

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---|---|----------------------|
| LAURA D. FLYNN, |) | |
| |) | |
| Plaintiff, |) | 8:08CV343 |
| |) | |
| v. |) | MEMORANDUM AND ORDER |
| |) | |
| MICHAEL J. ASTRUE, Commissioner of Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on plaintiff's motion for attorney fees, Filing No. [20](#), pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412\(d\)](#). This court previously remanded this case to the Commissioner for further findings. Filing No. [18](#). The Commissioner has now found in favor of the plaintiff. Thus, the plaintiff is a prevailing party under the EAJA and entitled to attorney fees. Plaintiff requests \$5,604.89 in attorney fees and \$350.00 in costs associated with reimbursement of the filing fee. Defendant has no objection to the request for attorney fees or to the amount requested. However, defendant asks this court to make it clear that the attorney fees award is made pursuant to the EAJA and that the \$350.00 will be disbursed from the Judgment Fund. See [31 U.S.C. § 1304](#).

The court has carefully reviewed the record, including the hourly fee requested, the experience of counsel, the result, and the affidavit of time and fees submitted by the plaintiff. Filing No. [20](#). The court finds the request for both attorney fees and the costs are reasonable and should be awarded to the plaintiff.

THEREFORE, IT IS ORDERED that plaintiff's motion for attorney fees, Filing No. [20](#), is granted. Plaintiff is awarded \$5,604.89 pursuant to the EAJA. Plaintiff is also awarded \$350.00 to be disbursed from the Judgment Fund for reimbursement of the filing fee.

DATED this 10th day of August, 2009.

BY THE COURT:

s/ Joseph F. Bataillon

Chief District Judge